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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,399	04/19/2004	Masaaki Takabe	09812.0401-00000	3120
22852 7590 02/21/2007 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER WONG, NOBLE S	
			ART UNIT 2173	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/827,399

Applicant(s)

TAKABE ET AL.

Examiner

Noble S. Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 recites the limitation "the previous layer" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Nguyen (US Patent # 7,036,091).

As to independent claim 1, Nguyen teaches a display method of displaying an input state of electronic equipment on a menu screen,

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- wherein a ring is displayed on a picture screen and a plurality of icons are displayed at predetermined intervals on the ring (i.e. ring as menu 420, with icons as options 424, see col. 7 lines 64-67 on TV 104);
- when there is an operation that selects an item on the menu screen (see col. 8 lines 29-33),
 - each of icons displayed on said ring is rotated on the ring with maintaining the order of arrangement (i.e. see col. 8 lines 13-23); and
- when there is an operation that confirms a selected item on the menu screen, an input operation with respect to an icon displayed at a specific position of said ring can be performed (see col. 8 lines 29-33).

As to claim 4, Nguyen teaches a display method according to claim 1, wherein one of the icons displayed on said ring is an icon that performs an operation of returning to the display of the previous layer by one (i.e. fade in or out as needed, see col. 9 lines 56-61).

As to independent claim 5, Nguyen teaches a display device comprising:

- an operation means for performing an input operation (i.e. input devices, see col. 24-28),
- a display means for displaying a state set by said operation means (i.e. TV 104),
- a control means for,
 - when there is an operation by said operation means that makes a menu screen display (i.e. display of menu 420),
 - making a ring to be displayed on a picture screen displayed by said display means (i.e. menu 420 is a ring);
 - making a plurality of icons to be displayed at predetermined intervals on the ring (i.e. options 424, see col. 7 lines 64-67);
 - when there is an operation by said operation means that selects an item in a menu screen (i.e. see col. 8 lines 29-33),
 - rotating each of icons displayed on said ring with maintaining the order of arrangement (i.e. see col. 8 lines 13-23); and
 - when there is an operation by said operation means that confirms a selected item in a menu screen, receiving an input with respect to an icon displayed at a specific position of said ring (see col. 8 lines 29-33).

As to claim 8, Nguyen teaches a display device according to claim 5, wherein said control means makes an icon that performs an operation of returning to the display of the previous layer by one, to be displayed as one of icons displayed on said ring (i.e. fade in or out as needed, see col. 9 lines 56-61).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 6, and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US Patent # 7,036,091) in view of Robbins (US Patent # 6,819,344 B2).

As to claim 2, Nguyen teaches a display method according to claim 1 (see claim 1 above), but does not teach wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring. Robbins teaches wherein said icon displayed at a specific position of said ring is displayed larger than the other icons positioned on the ring (i.e. zooming of a selected part to see details, see col. 6 lines 15-31, 'Robbins).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teaching of Nguyen and Robbins before him at the time the invention was made, to modify the displaying of selected icons as taught by Nguyen to include displaying a larger icon that is selected as taught by Robbins with the motivation being to "examine details associated with the selected image," (see ^{col. 6} lines 15-20, 'Robbins).

K.V.

As to claim 3, Nguyen teaches a display method according to claim 1 (see claim 1 above), but does not teach wherein

- when a plurality of input items exist with respect to an icon displayed on said ring ,
 - a sub-ring of smaller diameter than said ring is displayed surrounding a displayed position of the icon;
- when the icon having said displayed sub-ring is displayed at said specific position and then there is an operation that confirms a selected item,

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- said sub-ring is enlarged to be displayed; and
- icons corresponding to respective input items are displayed at predetermined intervals on the sub-ring displayed in enlarged scale.

Robbins teaches

- when a plurality of input items exist with respect to an icon displayed on said ring (i.e. items 358, see Fig. 12),
 - a sub-ring of smaller diameter than said ring is displayed surrounding a displayed position of the icon (i.e. wheel or ring 352);
- when the icon having said displayed sub-ring is displayed at said specific position and then there is an operation that confirms a selected item (i.e. see col. 4 line 58),
 - said sub-ring is enlarged to be displayed (i.e. see Fig. 12); and
- icons corresponding to respective input items are displayed at predetermined intervals on the sub-ring displayed in enlarged scale (i.e. items 358 around ring 352).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teaching of Nguyen and Robbins before him at the time the invention was made, to modify the display as taught by Nguyen to include a sub-ring around a selected item as taught by Robbins with the motivation being to “examine details associated with the selected image,” (see^{col. 6} lines 15-20, ‘Robbins).

1C.V.

As to claim 6, Nguyen teaches a display device according to claim 5 (see claim 1 above), but does not teach wherein said control means performs control of making an icon displayed at a specific position of the ring displayed by said display means display larger than the other icons positioned on the ring. Robbins teaches wherein said control means performs control of making an icon displayed at a specific position of the ring displayed by said display means display larger than the other icons positioned on the ring (i.e. zooming of a selected part to see details, see col. 6 lines 15-31, ‘Robbins).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teaching of Nguyen and Robbins before him at the time the invention was made, to modify the

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displaying of selected icons as taught by Nguyen to include displaying a larger icon that is selected as taught by Robbins with the motivation being to “examine details associated with the selected image,” (see ^{col. 6} lines 15-20, ‘Robbins).

As to claim 7, Nguyen teaches a display device according to claim 5, wherein said control means performs controls of:

- o when a plurality of input items exist with respect to a displayed icon on the a ring (i.e. items 358, see Fig. 12),
 - o making a sub-ring of smaller diameter than said ring to be displayed surrounding a displayed position of the icon (i.e. wheel or ring 352);
- o when the icon having the displayed sub-ring is displayed at said specific position and then there is an operation that confirms a selected item (i.e. see col. 4 line 58),
- o making said sub-ring to be displayed in enlarged scale (i.e. see Fig. 12); and
- o making icons corresponding to respective input items to be displayed at predetermined intervals on the sub-ring displayed in enlarged scale (i.e. items 358 around ring 352).

Therefore, it would have been obvious to one of ordinary skill in the art, having the teaching of Nguyen and Robbins before him at the time the invention was made, to modify the display as taught by Nguyen to include a sub-ring around a selected item as taught by Robbins with the motivation being to “examine details associated with the selected image,” (see ^{col. 6} lines 15-20, ‘Robbins).

Conclusion

6. The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach displaying of rings for selecting icons.

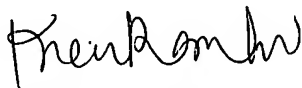
Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noble S. Wong whose telephone number is (571) 270-1044. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Noble Wong
2/15/07


Kieu D. Vu
Primary Examiner